

REMARKS

Claims 18, 19, 22, 25, 27, 31, 32, 34, 35, 37, 38, 40 and 66 are amended to address the section 112 rejections. Claim 15 is amended to change a “the” to an “an”, state “wherein the selection is *also* based on” and change “narrow surface to mass distribution” to “narrow distribution of surface to mass ratios”. Claim 25 was amended to describe further the extrusion step. Claims 45-47, 57 and 59-60 are amended to agree with claim 15. Claim 20 is amended to recite “selecting the plastic-rich mixture from a source selected from the group consisting of white goods, office automation equipment, consumer electronics, automotive shredder residue, packaging waste, and household waste”. Applicant respectfully requests allowance of all the claims.

Section 112 Rejections

Claims 18, 19, 22, 23, 25, 27, 31-38, 40, 66 and 68 were rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Some of these claims have been amended to address the rejection. Some of these claims have not been amended as explained further below.

Claims 18, 19, 22, 25, 27, 31, 32, 34, 35, 37, 38, 40 and 66

Claims 18, 19, 31, 32, and 34 are amended to describe the particular process that the dependent refers to in independent claim 15. Applicant believes these amendments address the rejections.

Claim 22 has been amended to change “properties” to “at least six processes”. Applicant believes this addresses the rejection based on lack in antecedent basis.

Claim 25 has been amended to recite, “the extrusion step includes compounding”.

Claim 27 has been amended to remove the term “about”.

Claims 35, 37, 38 40 and 66 have been amended to change “wherein” to “further comprising”. Applicant believes this addresses the rejection. Applicant notes that the rejection of these claims is based on it allegedly not being clear how the claimed limitations fit within the

context of claim 15. Applicant notes that the claims have been amended to state that the processes are in addition to the processes listed in claim 15. Applicant also notes that applicant is not required to specifically state where in the sequence these additional steps occur. For one, "breath is not indefiniteness" (MPEP 2173.04). If claim 15 is not overly broad, then claims that further narrow this claim are not overly broad. In addition, a person of ordinary skill in the art reading the specification could determine how to fit these processes into the sequence. And, a person of ordinary skill in the art can determine the meaning of the terms used in these claims. Therefore, the claims are written with sufficient clarity and precision (MPEP 2173.02).

Claims 23, 33, 36, and 68

Claim 23 was rejected on the basis that it requires repetition of one or more processes, because "this does not make sense given the specific order required by claim 15" (office action page 2). Applicant notes that claim 15 uses the term "comprise" or "comprises", rather than "consist of". Because of the open ended nature of the claim, the sequence of processes is not limited to the listed processes, but can include other processes and can include repeated processes.

Applicant notes that the standard for indefiniteness is described in part in MPEP 2173.02.

In reviewing a claim for compliance with 35 U.S.C. 112, second paragraph, the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112, second paragraph, by providing clear warning to others as to what constitutes infringement of the patent. . . . See also Metabolite Labs., Inc. v. Lab. Corp. of Am. Holdings, 370 F.3d 1354, 1366, 71 USPQ2d 1081, 1089 (Fed. Cir. 2004) ("The requirement to 'distinctly' claim means that the claim must have a meaning discernible to one of ordinary skill in the art when construed according to correct principles....Only when a claim remains insolubly ambiguous without a discernible meaning after all reasonable attempts at construction must a court declare it indefinite.").

It has not been shown that a person of skill in the art could not discern the meaning of the claim terms. Therefore, the rejection of claim 23 is improper.

Claim 33 was not amended. Applicant believes that the amendment of claim 32, from which claim 33 depends, addresses the rejection of claim 33.

Claim 36 was not amended. Applicant believes that the amendment of claim 35, from which claim 36 depends, addresses the rejection of claim 36.

Claim 68 has not been amended as applicant submits that a person of skill in the art could determine based on the teachings of the specification where to place the triboelectrostatic separation and gravity concentration operation in the sequence of processes.

Allowable Subject Matter

Applicant thanks the Examiner for finding claims 15, 16, 20, 21, 26, 30, 45-55, 57-60, 64, 65 and 67 to be allowed.

Please apply any required charges or credits to deposit account 06-1050.

Respectfully submitted,

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